

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARIA GUADALUPE QUAILES,  
DONALD WAYNE QUAILES AND  
NATASHA QUAILES

Plaintiffs

V.

COOPER TIRE & RUBBER COMPANY

Defendant.

CIVIL ACTION NO. 05-531

JURY

**PLAINTIFFS' EXPERT DESIGNATION PURSUANT TO RULE 26(a)(2)(B) F.R.C.P.**

COME NOW, Maria Guadalupe Quailes, Donald Wayne Quailes and Natasha Quailes, Plaintiffs in the above styled and numbered cause and files this their Plaintiffs' Designation of Expert Witnesses and pursuant to the Scheduling Order entered by this Honorable Court and the Joint Stipulation and in support thereof Plaintiffs respectfully offer the following:

1. The Scheduling Order requires experts to be designated by June 21, 2006. All parties have agreed by written stipulation to extend the expert deadline until Tuesday, July 25, 2006.

2. Pursuant to Paragraph 7 of the aforementioned Scheduling Order and the parties' stipulation, Plaintiffs designate the following testifying experts:

**Name:** James Lock

**Address:** Collision Research Associates  
2700 Earl Rudder Freeway South, Suite 4500  
College Station, Texas 77845

**Telephone:** 979/696-6531

**Opinions and**

**Conclusions:** Plaintiffs incorporate the expert opinion of James Lock (attached hereto as Exhibit "1" are his Expert Report (1612-003163/3175), Curriculum Vitae (1612-003176/3188), Fee Schedule (1612-003189) and Testimony List for James R. Lock (1612-003457/3478), which contains a synopsis of the opinions and conclusions of Mr. Lock. Plaintiffs further incorporate the deposition testimony of James Lock, which will be given in this cause. Mr. Lock's entire file including the documents, which he reviewed in arriving at his opinions, is available for inspection and copying at a mutually convenient time and location and is incorporated herein by reference.

**Name:** Troy Cottles

**Address:** Tire Failure Analyst and Design Consultant

25884 Katpaugh Lane

Toney, Alabama 35773

**Telephone:** 256/423-8338

**Opinions and**

**Conclusions:** Plaintiffs incorporate the expert opinion of Troy Cottles (attached hereto as Exhibit "2" are his Expert Report (1612-003479/3505), Curriculum Vitae (1612-003506/3508), Fee Schedule (1612-003509) and Deposition Testimony History (1612-003511), which contains a

synopsis of the opinions and conclusions of Mr. Cottles. Plaintiffs further incorporate the deposition testimony of Troy Cottles, which will be given in this cause. Mr. Cottles' entire file including the documents, which he reviewed in arriving at his opinions, is available for inspection and copying at a mutually convenient time and location and is incorporated herein by reference.

### **MEDICAL PROVIDERS**

3. The following persons may be called to testify in their expert capacity regarding the medical care and treatment rendered to Plaintiffs. These persons are being listed as expert witnesses, however, they have not been retained by Plaintiffs in this cause and as such are not under the control of Plaintiffs. The general subject matter of these experts' opinions is as follows: nature and degree of Plaintiffs' mental and physical injuries, manner of injury and care provided, prognosis, authenticity of records, and reasonableness and necessity of treatment and charges therefor. The bases for these experts' opinions include, but are not limited, medical records available to all parties and physical and mental examinations of the plaintiffs. In reaching their opinions that they may give at trial or upon deposition, it is presumed that these experts will rely not only on the medical records, but also their education, training and experience, medical texts, and relevant scientific and medical literature. Those persons are as follows:

- a. Department of Veterans Affairs  
and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

2101 South Colonel Rowe Boulevard

McAllen, Texas 78503

956/618-7100

b. Nuestra Clinica Del Valle

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

801 W. 1st Street

San Juan, Texas 78589

956/787-2021

c. Neurology & Neurophysiology Center

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

Zuka Khabbazeh, M.D.

4417 N. McColl Road

McAllen, Texas 78504

956/664-1999

d. Family Practice Center

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

Manuel Sanchez, M.D.

501 North Ware Road

McAllen, Texas 78501

956/687-8531

e. Jackson Imaging Center

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

Chassan Hammami, M.D.

Jackson Village

5416-A South Jackson Road

Edinburg, Texas 78539

956/687-4944

f. Dr. Ruben Salinas

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

5513 N. McColl Road

McAllen, Texas 78504

956/994-1000

g. Dr. Norma Iglesias & Associates

and/or its doctors, nurses, technicians, employees, agents, representatives  
and/or custodian of records

Iglesias Plaza

712 S. Cage

Pharr, Texas 78577

956/783-1900

h. Pain Management

and/or its doctors, nurses, technicians, employees, representatives, agents and/or custodian of records

Rashid Shamid, M.D.

801 Nolana Loop

McAllen, Texas 78504

956/687-8120

i. Keith Norvill, D.O.

Crossroads Neurosurgical Associates

and/or its doctors, nurses, technicians, employees, representatives, agents and/or custodian of records

2700 Citizens Plaza, Suite 200

Victoria, Texas 77903-4350

361/574-1511

j. Miguel A. Hernandez, M.D.

McAllen Bone & Joint Clinic, P.A.

and/or its doctors, nurses, technicians, employees, representatives, agents and/or custodian of records

Orange Medical Plaza

1421-A N. 2nd Street

McAllen, Texas 78501

956/618-4414

k. Jumar Apolinario, M.D.

Valley PM&R Specialists, P.A.

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

1200 E. Savannah, Suite 10

McAllen, Texas 78503

956/668-9900

l. Oscar A. Alvarez, M.D.

South Texas Gastroenterology Associates

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

5525 Doctors Drive

Edinburg, Texas 78539

956/682-4800

m. Ana C. Posada, M.D.

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

801 E. Nolana, Suite 9

McAllen, Texas 78504

- n. McAllen Medical Center  
and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records  
301 West Expressway 83  
McAllen, Texas 78503  
956/632-4000
- o. Dr. Derrick Garrett  
Citizens Medical Center  
and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records  
2701 Hospital Drive  
Victoria, Texas 77901  
361/572-5117
- p. Juan Aguilera, M.D.  
Pharr Children's Day & Night Clinic  
and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records  
807 N. Cage  
Pharr, Texas 78577  
956/782-7993

q. Mike Sweeney, M.D.

Renaissance Orthopaedics

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

512 East Dove

McAllen, Texas 78501

956/664-2600

r. James B. Giles, M.D.

Orthopaedic Associates

and/or its doctors, nurses, technicians, employees, representatives, agents  
and/or custodian of records

2700 E. 29th Street, Suite 100

Bryan, Texas 77802

979/731-8888

s. Regional Medical Laboratory

and/or its doctors, nurses, technicians, employees, agents, representatives  
and/or custodian of records

2710 Hospital Drive #106

Victoria, Texas 77901

361/575-0636

800/333-9107

- t. Citizens Medical Center  
and/or its doctors, nurses, technicians, employees, agents, representatives  
and/or custodian of records  
2701 Hospital Drive  
Victoria, Texas 77901  
361/573-9181
- u. Victoria Radiology Associates  
and/or its doctors, nurses, technicians, employees, agents, representatives  
and/or custodian of records  
P.O. Box 3610  
Victoria, Texas 77903  
361/578-0317
- v. Victoria Anesthesiology Associates  
and/or its doctors, nurses, technicians, employees, agents, representatives  
and/or custodian of records  
1501 East Mockingbird Lane, Suite 220  
Victoria, Texas 77904  
361/573-2481

w. VIP Home Health Care

and/or its doctors, nurses, technicians, employees, agents, representatives and/or custodian of records

200 Sam Houston Avenue

Pharr, Texas 78577

956/787-5999

x. Diego Rodriguez, M.D.

and/or his doctors, nurses, technicians, employees, agents, representatives and/or custodian of records

801 East Nolana Street, Suite 9

McAllen, Texas 78504

956/687-8000

y. Cardiovascular Consultants

and/or its doctors, nurses, technicians, employees, agents, representatives and/or custodian of records

1801 South 5th Street, Suite 130

McAllen, Texas 78503

956/687-7863

z. Maria A. Macias, M.D.

and/or its doctors, nurses, technicians, employees, agents, representatives  
and/or custodian of records

1801 South 5th Street, Suite 211

McAllen, Texas 78503

956/686-4824

aa. Audie L. Murphy Memorial Veterans Hospital

and/or its doctors, nurses, technicians, employees, agents, representatives  
and/or custodian of records

7400 Merton Minter Boulevard

San Antonio, Texas 78229

bb. Lionel Rangel, M.D.

and/or its doctors, nurses, technicians, employees, agents, representatives  
and/or custodian of records

Knapp Medical Plaza

1330 E. 6th Street, Suite 305

Weslaco, Texas 78596

956/968-9596

cc. Intermedix

and/or its doctors, nurses, technicians, employees, agents, representatives and/or custodian of records

P.O. Box 940249

Houston, Texas 77094

281/398-8999

dd. Radiology Associates

and/or its doctors, nurses, technicians, employees, agents, representatives and/or custodian of records

3560 Delaware, Suite 209

Beaumont, Texas 77706

409/899-3682

**SCENE RESPONDERS/OFFICIALS/INVESTIGATORS/MEDICAL EXAMINER**

4. The following persons may be called to testify in their expert capacity regarding the investigation of the accident in question and the treatment rendered to Plaintiffs. These persons are being listed as expert witnesses, however, they have not been retained by Plaintiffs in this cause and as such are not under the control of Plaintiffs. Plaintiffs may call to testify as expert witnesses in this cause, any and all custodians of records for any and all individuals or entities identified in any discovery response, depositions, or documents produced during discovery, including the custodians of records for those individuals or entities identified above, who may be called to testify regarding the authenticity of any and all such records and the amount and reasonableness of any charges reflected in such records, whose records will serve as their reports. Those persons are as follows:

**Name:** Trooper Anthony Owens

**Address:** Texas Department of Public Safety

Victoria, Texas 77901

361/578-2771

**Name(s):** Larry West, EMT

Jonathan Martin, EMT

**Address:** Victoria Fire Department

606 E. Goodwin

Victoria, Texas 77901

**Name(s):** Keith Leali, Dale Schimmoeller, Dennis Powell, Richard Stephens, and Dewey Beach

**Address:** by and through Cooper Tire & Rubber Company and its attorney of record.

Plaintiffs will also call present and former Cooper employees and other witnesses yet to be identified by Cooper in response to Plaintiffs' discovery requests. The above listed employees of Cooper Tire & Rubber Company are some of the persons within the Cooper organization who have information relevant to the subject matter of this suit (*i.e.* the tire). These Cooper employees (former and present) have been deposed in other litigation against Cooper, and Plaintiffs intend to rely upon such depositions and other discovery herein (and offer evidence from these other depositions for the trial of this case).

5. Plaintiffs may call to testify as expert witnesses in this cause, any and all custodians of records for any and all individuals or entities identified in any discovery response, depositions, or documents produced during discovery, including the custodians of records for those individuals or entities identified above, who may be called to testify regarding the authenticity of any and all such records and the amount and reasonableness of any charges reflected in such records, whose records will serve as their reports.

#### **CROSS-DESIGNATION OF EXPERTS**

6. Plaintiffs hereby cross-designate and state that they may call any expert identified or designated by an adverse party or an employee or representative of an adverse party to elicit expert opinions subject to any objections Plaintiffs make concerning the designation of such experts, and the admissibility of their opinions.

7. Plaintiffs reserve the right to elicit opinion testimony, either through direct examination or cross-examination, of all witnesses designated or identified by any party. Plaintiffs reserve the right to call unidentified rebuttal witnesses, whose testimony cannot be predicted at this time to offer opinion testimony in response to opinions offered by witnesses of any party. Any fact witnesses designated by Plaintiffs may offer lay opinions regarding matters within their knowledge.

8. Plaintiffs expressly reserve the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness at trial, and to re-designate same as a consulting expert only, who cannot be called by opposing counsel.

9. This designation shall serve to supplement any Answers to Interrogatories, Responses to Request for Production and Responses to Requests for Disclosure as propounded by any Defendants.

Respectfully submitted,

s/Roger S. Braugh, Jr.

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Federal I.D. No. 21326  
SICO, WHITE & BRAUGH, L.L.P  
802 N. Carancahua, Ste. 900  
Corpus Christi, TX 78470  
Phone: (361) 653-3300  
Fax: (361) 653-3333

**ATTORNEY-IN-CHARGE FOR PLAINTIFFS**

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served on all parties in compliance with the Federal Rules of Civil Procedure by first class mail, postage prepaid or by electronic mail from the clerk of the court on the 25th day of July 2006.

s/Roger S. Braugh, Jr.  
Roger S. Braugh, Jr.